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11 UNITED STATES DISTRICT COURT  
12 NORTHERN DISTRICT OF CALIFORNIA  
13 SAN FRANCISCO DIVISION

14  
15 UNITED STATES OF AMERICA, ) No. CR 3-08-70140 JCS  
16 Plaintiff, ) [PROPOSED] ORDER EXCLUDING  
17 v. ) TIME FROM SPEEDY TRIAL ACT  
18 DAVID E. BURKHOLDER, ) COMPUTATION  
19 Defendant. )  
20 \_\_\_\_\_)

21  
22 The parties appeared before the Hon. Joseph C. Spero, United States Magistrate Judge, on  
23 March 14, 2008 at 9:30 a.m. Defendant David E. Burkholder appeared with attorney Steven  
24 Kalar. The United States appeared through Assistant United States Attorney Nicole M. Kim.  
25 With the agreement of counsel for both parties, the Court found and held as follows:

26 1. The parties agree to an exclusion of time under the Speedy Trial Act, 18 U.S.C. §  
27 3161, from March 14, 2008 through and including March 20, 2008. The parties agree to an  
28 exclusion pursuant to 18 U.S.C. § 3161 (h)(8)(B)(iv) to allow the defendant continuity of

1 counsel. In addition, the parties are awaiting a disposition in a matter outside the district that  
2 could result in a possible transfer of the case. The exclusion of time is appropriate under 18  
3 U.S.C. § 3161(h)(1)(G).

4 2. Given these circumstances, the Court found that the ends of justice served by  
5 excluding the period from March 14, 2008 through and including March 20, 2008 outweigh the  
6 best interest of the public and the defendant in a speedy trial.

7 3. Accordingly, the Court ORDERED that the period from March 14, 2008 through  
8 and including March 20, 2008 be excluded from Speedy Trial Act calculations under 18 U.S.C.  
9 § 3161.

10 IT IS SO ORDERED.

11  
12 Dated: March 17, 2008

